

405 KAR 3:120. Acid and toxic materials and waste materials.

RELATES TO: KRS 350.151

STATUTORY AUTHORITY: KRS 350.151

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.151 requires the Environmental and Public Protection Cabinet to adopt rules and administrative regulations for the surface effects of underground coal mining. This administrative regulation sets forth requirements for the handling of acid and toxic materials and waste materials.

Section 1. General. Drainage to ground and surface waters which emanates from acid-forming or toxic-forming mine waste materials and spoils placed on the land surface shall be avoided by:

(1) Identifying, burying, and treating where necessary, spoil or other materials that, in the judgment of the cabinet, will be toxic to vegetation or that will adversely affect water quality if not treated or buried;

(2) Preventing or removing water from contact with acid- or toxic-producing deposits;

(3) Burying or otherwise treating all toxic or harmful materials within thirty (30) days if such materials are subject to wind and water erosion, or within a lesser period designated by the cabinet. If storage of such materials is approved, the materials shall be placed on impermeable material and protected from erosion and contact with surface water;

(4) Acid-forming or toxic-forming material shall not be buried or stored in proximity to a drainage course so as to cause or pose a threat of water pollution or otherwise violate the provisions of this chapter;

(5) All acid-forming or toxic-forming materials, combustible materials, coal preparation waste materials, or other waste materials identified by the cabinet, that are exposed, used, or produced during mining shall be covered with a minimum of four (4) feet of nontoxic and noncombustible material. If necessary, such materials shall be treated to neutralize toxicity in order to prevent water pollution or sustained combustion and to minimize adverse effects on plant growth and land uses. Where necessary to protect against upward migration of salts or exposure by erosion, to provide an adequate depth for plant growth, or to otherwise meet local conditions, the cabinet shall specify greater depths of cover using nontoxic material.

(6) All methods of material placement and compaction pursuant to this section shall be approved by the cabinet.

(7) Waste materials used as fill shall meet the provisions of this administrative regulation and the provisions of 405 KAR 3:100, Section 6.

Section 2. Coal Waste. (1) Coal waste ponds and other coal waste materials shall be maintained according to the provisions of this administrative regulation, and the provisions of 405 KAR 3:180 shall also apply.

(2) Waste materials from coal preparation plants shall be buried or otherwise treated within ninety (90) days after the cessation of the filling of the disposal area. Burial or treatment shall be in accordance with the provisions of this administrative regulation and the provisions of 405 KAR 3:100 with respect to backfilling and grading.

Section 3. The cabinet may require other actions necessary to assure that the provisions of this administrative regulation are met. (4 Ky.R. 419; eff. 5-3-78; Am. 521; 5 Ky.R. 229; eff. 8-23-78; TAm eff. 8-9-2007.)